

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

OTIS ELEVATOR COMPANY)
Plaintiff,)
)
v.)
)
LOCAL 4, INTERNATIONAL UNION)
OF ELEVATOR CONSTRUCTORS;)
MICHAEL LANGER, individually, and as)
BUSINESS MANAGER; KEVIN)
McGETTIGAN, individually, and as)
BUSINESS REPRESENTATIVE;)
STEVE MORSE, individually, and)
as BUSINESS REPRESENTATIVE; and all)
others conspiring, acting in concert or)
otherwise participating with them or acting)
in their aid or behalf,)
Defendants.)
)

Docket No. 1:04-CV-11108- JLT

OPPOSITION TO PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

Now come the Defendants and state their opposition to Plaintiff's Motion for a Preliminary Injunction. As grounds for their opposition Defendants respectfully show as follows:

1. Otis commenced this action on or about May 26, 2004. The parties were heard by the Court the following day. The Court granted the relief sought by the Plaintiff on conditions requested by Defendants. By its terms the Order expired on June 7, 2004.
2. On June 3, 2004 Otis filed a Motion for Preliminary Injunction.
3. Otis' Motion without explanation asserts that if its Motion "is not decided before the TRO expires, Otis will be exposed to irreparable harm." Consequently Otis has requested "that

the Court's Order enjoining defendants be extended pending the termination of Otis' application for a preliminary injunction".

4. Local 4 does not oppose that much of Otis' motion. Accordingly, Local 4 has submitted herewith a draft Order extending the TRO.

5. Otis' motion goes on to request that the Court issue a preliminary injunction against the Defendants but without "Local 4's requested conditions applicable to Otis".


6. The status quo will be preserved if the parties are bound to the obligations contained in the Temporary Restraining Order. A preliminary injunction hearing over Otis' conduct of labor relations and litigation in the recent past would not be a fruitful use of the Court's resources. Moreover, absent any claim that the status quo creates harm further or different equitable orders are unnecessary.

WHEREFORE, Defendants respectfully request that the Temporary Restraining Order be extended pending the outcome of the arbitration over the plunger/cylinder dispute in the form submitted herewith.

Respectfully submitted,

IUEC LOCAL 4, MICHAEL LANGER,
KEVIN McGETTIGAN, and STEVE
MORSE and all others,

By their attorney,



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Dated: June 10, 2004